

§ 88-17 License required.

[Amended 9-13-1979 by Ord. No. O-79-213; 5-13-1986 by Ord. No. O-86-32; 11-12-1991 by Ord. No. O-91-109; 12-26-1995 by Ord. No. O-95-148; 5-23-2000 by Ord. No. O-00-27; 12-26-2001 by Ord. No. O-01-184]

A.

No showman, musician, entertainer, disc jockey, comedian, tumbler, dancer, ventriloquist, magician, circus, carnival, or concert shall for pay perform or be performed in this City, and no parade or procession upon any public street and no open-air public meeting shall be held without a license therefor specifying the time and object for which such license is granted.

B.

No license shall be granted until the applicant therefor shall file the following with the City Clerk:

(1)

Insurance. The applicant shall obtain and maintain the insurance coverage that the Insurance Department deems necessary. Factors to consider in determining the required insurance coverage include, but are not limited to, the use of mechanical apparatus, presence of animals, use of rides or other amusement functions, use of vehicles, size and duration of the event, the potential audience, the need for police or other safety services, and the history of the applicant. The required insurance coverage may include:

(a)

Workers' compensation insurance to cover all employees. The licensee shall also require all subcontractors to provide workers' compensation for all employees.

(b)

Personal injury and property damage insurance for all activities of licensee and its subcontractors arising out of or in connection with this license, written on a broad form comprehensive general liability basis.

(c)

Motor vehicle insurance to include bodily injury, property damage, uninsured motorist, employer's nonownership coverage, and medical payments.

(d)

All policies shall be endorsed with the following specific language:

[1]

The City is named as additional insured for all liability arising out of the operation by or on behalf of the named insured, and this policy protects the additional insured, its officers, agents and employees against liability for bodily injuries, deaths, or property damage or destruction arising in any respect, directly or indirectly, in the performance of the license.

[2]

The inclusion of more than one insured shall not operate to impair the rights of one insured against another insured against insured, and the coverages afforded shall apply as though separate policies had been issued to each insured.

[3]

The insurance provided herein is primary, and no insurance held or owned by the City shall be called upon to contribute to a loss.

[4]

The coverage provided by this policy shall not be reduced or cancelled without 30 days written notice given to the City.

(e)

Documentation. The licensee shall submit certificates of insurance countersigned by a state licensed agent prior to the effective date of the license.

(2)

As a condition of licensure, and at any time during the license period, an applicant or licensee may be subject to additional restrictions or conditions ordered by the Building, Health, Police or Fire Department as may be warranted by any circumstances pertaining to a specific establishment or event or to prevent any nuisance related

to or caused by the licensed activity. A nuisance, in addition to its common law meaning, is anything that endangers life, health or safety, gives offense to senses, violates common standards of decency or obstructs the reasonable use, enjoyment, or habitation of any property.

(3)

Site plans and building plans evidencing compliance with any applicable provisions of Chapters 105, 110, 123, 156, 160 and 280 and Part 2 of Chapter 190, Land Use.

(4)

Recommendation of the health officer concerning adequacy of sanitary facilities and any food-service facilities.

(5)

A surety bond or other guarantee approved by the City Solicitor/Corporation Counsel in an amount sufficient to insure payment of the costs of any police, fire or other public officers assigned to the event, the dismantling of any temporary structures, cleanup and refuse disposal, and any other costs associated with the event or its aftermath.

C.

In acting upon requests for licenses the Board of Aldermen, through its appropriate aldermanic committee, may require the applicant to meet additional requirements or adhere to additional standards as it may impose for the purpose of minimizing adverse effects of the licensed activity.

D.

Upon receipt of written notification of the denial of, or pending suspension or revocation of, a license, or for the issuance of new or revised conditions or restrictions on the license from the office of the City Clerk, the applicant or licensee may request, in writing, a hearing before the personnel/administrative affairs committee of the Board of Aldermen. The request must be made within 10 days of the date of notification sent to the applicant/licensee. The Personnel/Administrative Affairs Committee shall set a hearing date, notifying the applicant or licensee of said hearing date. The hearing will be held at the earliest possible date and the matter shall be decided within a reasonable time. The applicant or licensee will be notified in writing of the decision of the Committee, and the decision by the Committee to deny, restrict, suspend, or revoke a license shall be final.

(1)

A license that has been revoked shall not be subject to renewal or restoration except that an application for a new license may be submitted and acted upon after the expiration of at least one year from the date of revocation.

(2)

A business or activity that endangers the public health, welfare or safety may have its license revoked immediately and prior to the hearing process provided above where the danger to public health, welfare and/or safety is immediate.